

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1742.01  
**COMPLAINT INVESTIGATOR:** Susan Miner  
**DATE OF COMPLAINT:** May 1, 2001  
**DATE OF REPORT:** May 31, 2001  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** August 29, 2001

**COMPLAINT ISSUES:**

Whether the MSD of Wayne Township and the West Central Joint Services violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:

- a. failing to implement the behavioral intervention plan; and
- b. failing to provide the parent with weekly communication about the student's behavior.

**FINDINGS OF FACT:**

1. The student is 17 years old, is in the 11<sup>th</sup> grade, and is eligible for special education and related services as a student with an emotional disability. The student is in general education classes for all class periods.
2. Each case conference summary/IEP for the current school year includes a behavioral intervention plan. The special factors also indicate that the student has significant behaviors that disrupt his education.
3. There were changes made to the behavioral intervention plan developed on August 16, 2000, that were documented in the case conference summary/IEP dated October 9, 2000.
4. The behavioral intervention plan from the October 9, 2000, IEP includes the following reactive strategies:
  - a. The student may remove himself from the classroom to the hallway. The teacher is to follow and the student will then ask for a pass the EH classroom.
  - b. The student is to receive two non-judgmental redirections back to class activity. If this does not work and the disruptive behavior continues the student is to get a pass to the resource room and a referral will be made to the EH teacher by the end of the school day.
  - c. The student is still subject to office referrals and due process procedures for major disruptions or a significant violation of the school code of conduct.
5. The behavioral intervention plan from the October 9, 2000, IEP includes the following proactive strategies which are to occur during a weekly meeting with the EH teacher as indicated in the recommended services:
  - a. The student is to identify situations which are stressful.
  - b. The student is to identify personal cues which signal stressful situations.

- c. The student is to develop a plan to manage stimuli or situational stressors.
  - d. The student will describe his version of an event and compare it to the staff member's account to determine what led to the frustration on the part of the student.
- 6. The behavioral intervention plan from the October 9, 2000, IEP also provides for weekly written communication from the teacher of record to the parent on Friday, including copies of all referral forms for the previous 5 day period. If no referrals are received, a note to that effect will be sent home.
- 7. The school could not provide dated documentation to support weekly communication with the parent. Documentation provided was dated November 11, 2000, December 1, 2000, March 9, 2001, March 16, 2001, April 13, 2001, April 23, 2001, and April 28, 2001.
- 8. The special education department chair (who was also the student's teacher of record) indicated that the weekly meetings which were to develop the proactive strategies did not always take place due to the demands of her schedule.

#### **CONCLUSIONS:**

- 1a. Findings of Fact #2 and #3 indicate that the student has a behavioral intervention plan currently and has had one in the past. This plan has been reviewed and changed during this school year. Findings of Fact #4 and #5 indicate the plan provides both reactive and proactive strategies. Finding of Fact #8 indicates that the proactive portion of the behavioral intervention plan is not consistently implemented. Therefore, a violation of 511 IAC 7-27-7(a) is found with regard to the implementation of the proactive portion of the behavioral intervention plan.
- 1b. Findings of Fact #6 and #8 indicate that the behavioral intervention plan also provides for weekly communication with the complainant. Due to the frequency that documentation was undated, it was difficult to determine the chronology. Finding of Fact #7 reflects that weekly communication with the parent was not consistent. Therefore, a violation of 511 IAC 7-27-7(a) is found with regard to the weekly communication with the parent.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The MSD of Wayne Township and the West Central Joint Services shall:

- 1. Reconvene the case conference committee to consider the need for compensatory services as the result of the school's failure to provide the proactive behavioral strategies on a weekly basis. Submit a copy of the CCC Report/IEP, including any behavioral intervention plan, to the Division no later than June 15, 2001.
- 2. Provide the parent with copies of all referral forms on the student for the 2000-2001 school year. Submit a letter of assurance that the parent has received all of the referral forms no later than June 15, 2001.
- 3. Submit a letter of assurance, signed by the Student's teacher of record for the 2001-2002 school year, that all personnel working with the student have been provided a complete copy of the student's IEP and have been made aware of their responsibilities in implementing the student's

IEP, especially as it relates to the Student's behavioral intervention plan. The letter of assurance must be submitted no later than September 4, 2001.

DATE REPORT COMPLETED: May 31, 2001